

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ALLEN TUPY,

Plaintiff,

No. 2:23-cv-01038 DJC AC PS

v.

CITIZENS DISABILITY,

Defendant.

ORDER

Good cause appearing, IT IS HEREBY ORDERED as follows:

1. A Status (Pretrial Scheduling) Conference is set for September 27, 2023 at 10:00 a.m. in courtroom no. 26 before the undersigned. All parties shall appear by counsel or in person if acting without counsel.
2. Not later than fourteen (14) days prior to the Status Conference, the parties shall file status reports addressing the following matters:
 - a. Service of process;
 - b. Possible joinder of additional parties;
 - c. Any expected or desired amendment of the pleadings;
 - d. Jurisdiction and venue;
 - e. Anticipated motions and their scheduling;

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- 1 f. The report required by Federal Rule of Civil Procedure 26 outlining the proposed
2 discovery plan and its scheduling, including disclosure of expert witnesses;
 - 3 g. Future proceedings, including setting appropriate cut-off dates for discovery and
4 law and motion, and the scheduling of a pretrial conference and trial;
 - 5 h. Special procedures, if any;
 - 6 i. Estimated trial time;
 - 7 j. Modification of standard pretrial procedures specified by the rules due to the
8 simplicity or complexity of the proceedings;
 - 9 k. Whether the case is related to any other cases, including bankruptcy;
 - 10 l. Whether a settlement conference should be scheduled;
 - 11 m. Whether counsel will stipulate to the magistrate judge assigned to this matter
12 acting as settlement judge and waiving disqualification by virtue of her so acting,
13 or whether they prefer to have a settlement conference before another judge;
 - 14 n. Any other matters that may add to the just and expeditious disposition of this
15 matter
- 16 3. The parties are informed that they may elect to participate in the court's Voluntary
17 Dispute Resolution Program ("VDRP") by contacting the court's VDRP administrator,
18 Sujean Park, at (916) 930-4278 or SPark@caed.uscourts.gov.¹ The parties shall carefully
19 review and comply with Local Rule 271, which outlines the specifications and
20 requirements of the VDRP. **The parties are directed to meet and confer regarding**
21 **possible VDRP participation, and contact Ms. Park to make the necessary**
22 **arrangements if both parties agree that participation may be beneficial, within 45**
23 **days of this order.** If the parties agree to participate in VDRP the status conference will
24 be vacated, to be reset if the case fails to settle.

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26 ¹ The resources of the VDRP program are limited, and the parties are expected to make good
27 faith efforts to timely and fully exhaust informal settlement efforts prior to initiating participation
28 in the VDRP. The court will look with disfavor upon parties stalling or failing to participate in
 initial informal discussions, prompting potentially unnecessary participation in the VDRP and
 straining the program's resources.

1 4. The parties are also informed that they may, if all consent, have this case tried by a United
2 States Magistrate Judge while preserving their right to appeal to the Ninth Circuit Court of
3 Appeals. See 28 U.S.C. § 636(c). The form for consent to trial by a magistrate judge is
4 attached. Consent forms should be returned to the Clerk of the Court within 30 days of
5 this order.

6 5. The Clerk of the Court is directed to provide copies of the “Consent to Proceed Before
7 United States Magistrate Judge” with this order.

8 IT IS SO ORDERED.

9 DATED: July 5, 2023

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11 ALLISON CLAIRE
12 UNITED STATES MAGISTRATE JUDGE

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